

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

CHARLES KOHORST,

Petitioner,

-vs-

DECISION and ORDER

SUPERINTENDENT ORLEANS CORRECTIONAL
FACILITY,

07-CV-6523-CJS-VEB

Respondent.

Siragusa, J. This case was referred to U.S. Magistrate Judge Victor E. Bianchini pursuant to 28 U.S.C. § 636(b)(1), on February 12, 2008. On January 20, 2010, Judge Bianchini noted that an earlier Order granting Petitioner's motion for an extension of time to file a reply memorandum of law was served on Petitioner at the address he provided to the Court, but was returned as undeliverable on October 14, 2009. In his January 20, 2010, Order, Judge Bianchini directed Petitioner to provide an address where papers may be served within thirty days of the date of the Order, that is, by February 19, 2010. To date, Petitioner has filed no response.

On February 22, 2010, Judge Bianchini filed a Report and Recommendation recommending that the Court dismiss the petition because of Petitioner's failure to comply with Western District of New York Local Rule 5.2(d), which states as follows:

(d) Service. A party appearing pro se must furnish the Court with a current address at which papers may be served on the litigant. The Court will assume that the litigant has received papers sent to the address he or she provides. The Court must have a current address at all times. Thus, a pro se litigant must inform the Court immediately, in writing, of any change of address. Failure to do so may result in dismissal of the case, with prejudice.

(W.D.N.Y. Loc. R. Civ. P. 4.2(d).)

For the reasons stated in Judge Bianchini's Report, the Court adopts his recommendation in total. Petitioner's application for a writ of habeas corpus is dismissed.

IT IS SO ORDERED.

Dated: January 24, 2011
Rochester, New York

ENTER:

/s/ Charles J. Siragusa
CHARLES J. SIRAGUSA
United States District Judge